IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.4745 OF 2007

Dated : March 15, 2007

Between:

B.V.V.S. Raju

Petitioner

AND

The Station House Officer,
Vissannapeta Police Station,
Krishna District and others

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.4745 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.S.R.VARMA)**

Heard the learned Government Pleader for Home,

representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'petition' dated 02.02.2007, by one B.V.V.S.Raju, H.No.5-141, Sujathanagar Village, Kothagudem Mandal, Khammam District-507 120, to the Hon'ble the Chief Justice of India, marking a copy of the same to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that her daughter by name Ms. Deepthi was kidnapped by one Samineni Shiva Kumar, S/o. S.Venkateswarlu, resident of Khammam, on 28.01.2007; that, on 01.02.2007, a complaint has also been lodged to the police Vissannapeta Police Station, which has been registered as Crime No.8 of 2007, for the offence punishable under Section 363 of the Indian Penal Code and that one Sri T.S.S. Raju, who is no other than the brother-in-law of the petitioner, is threatening the petitioner that he will kill all his family members and destroy the life of his children, due to the disputes relating to the property .

3. After service of notice, issued by this Court, the Sub-Inspector of Police, Vissannapet Police Station, Krishna District, filed counter-affidavit stating, *inter alia*, that during the course of investigation, he examined five witnesses and recorded their statements; that while the investigation was in progress, the missing girl, who is no other than the daughter of the petitioner, had approached the Vissannapet Police Station and gave a statement to the effect that she was in love with one Samineni Siva Kumar and on 28.01.2007, she made a call to the said Siva Kumar to visit the marriage function of their relative and thereafter, both of them went away and got married

and that the said marriage was absolutely intentional and on her own volition. She further denied the complaint of kidnap against her husband – the alleged accused. It also appears from the counter-affidavit that a Memo also was filed before the Judicial Magistrate of First Class, Nuzvid, Krishna District, to record the statement of the girl under Section 164 of the Code of Criminal Procedure, which was, accordingly, recorded on 28.2.2007. It is also brought to the notice of this Court through the counter-affidavit that the daughter of the petitioner has been living with her husband, who is the alleged accused.

4. In view of the revelations in the counter-affidavit, we do not find any merit in the allegations leveled in the complaint, made by the petitioner, and we do not propose to keep the writ petition pending any longer.

5. Accordingly, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.Varma, J.

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D.Appa Rao, J.

March 15, 2007
MAS